

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 27, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Derrick Emmitt Harris

Case Number: 0980 2:18CR00212-TOR-2

Address of Offender: [REDACTED] Spokane, Washington 99218

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 30, 2019

Original Offense: Distribution of a Mixture of Substance Containing Fentanyl, 21 U.S.C. § 841(a)(1),
(b)(1)(C)

Original Sentence: Probation - 60 months Type of Supervision: Supervised Release

Revocation Sentence: Prison - 12 months and 1 day
(December 8, 2022) TSR - 36 months

Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: September 8, 2023

Defense Attorney: Carter Liam Powers Beggs Date Supervision Expires: September 7, 2026

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 11/02/2023.

On September 12, 2023, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Harris, as outlined in the judgment and sentence. Mr. Harris signed a copy of the conditions acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Derrick Emmitt Harris allegedly violated mandatory condition number 1, by being arrested for driving under the influence and no valid operator's license without identification in Spokane, Washington, on December 25, 2023.

The following information was gathered from Spokane Police Department (SPD) report number 2023-20252410.

On December 25, 2023, at 1:46 a.m., SPD officers responded to a location in Spokane on a report of a male passed out in a vehicle in a parking lot. The complainant told the 911 operator that he observed the male occupant of the car move from the passenger's seat to the driver's seat and appeared to be attempting to drive away. A few minutes later, an employee

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from Comcast called to report the same vehicle at the same location had collided with their cable box and was high centered on the box.

Upon arrival, a SPD officer observed a black Cadillac CTS had appeared to be traveling westbound when it attempted to turn into a driveway, but took the turn too wide, going clear across the driveway into the landscaping near the entrance. The vehicle reportedly struck a large boulder, moving it several feet. The officer further observed where the vehicle had gone backwards in a “U” out into the street, and then to the other side of the same entrance going over some landscaping and over a large utility box, damaging it, and where the vehicle then became high centered. The tires of the vehicle appeared to have been spinning, spraying dirt and grass in forward and reverse directions in an attempt to get off of the utility box.

The officer contacted Mr. Harris who was sitting on a curb just behind the Cadillac CTS. Mr. Harris was identified as the owner of the Cadillac. Mr. Harris advised the officer he got his vehicle stuck and he was attempting to become unstuck. He did not know how he got stuck. Mr. Harris stated he was on his telephone when his vehicle became stuck. He advised the officer he was the only occupant of the vehicle.

As the interview continued, the officer observed Mr. Harris was slurring his words and his breath smelled of an alcoholic beverage. Mr. Harris denied consuming alcohol, using any medications, drugs, or cannabis at that time. He then attempted to stand up, in which he needed assistance from the officer. Once he was on his feet, Mr. Harris staggered around to keep his balance. Mr. Harris was swaying and attempting not to fall or stagger as the officer looked at him.

The officer asked if Mr. Harris would be willing to perform field sobriety tests, which he refused. Subsequently, Mr. Harris was arrested for driving under the influence. He was transported to the police station. After consulting with the on-call public defender, Mr. Harris consented to a Breathalyzer test. Mr. Harris submitted to breath tests at 3:22 a.m., in which he tested .211/.208 blood alcohol content (BAC). He was tested again at 3:27 a.m., in which Mr. Harris tested .211/.208 BAC. Subsequently, Mr. Harris was arrested and booked into the Spokane County Jail for driving under the influence (DUI), and having no valid operator’s license without identification.

Mr. Harris has been formally charged in Spokane Municipal Court case number 3A0821026 with driving under the influence and no valid operator’s license without identification.

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Special Condition #6: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Derrick Emmit Harris allegedly violated special condition number 6, by testing positive for the presence of alcohol with the SPD on December 25, 2023.

According to SPD report number 2023-20252410, Mr. Harris was arrested for DUI. During the DUI investigation, officers could smell the odor of alcohol coming from Mr. Harris’ breath. Upon being taken into custody for DUI, Mr. Harris submitted to a Breathalyzer test on two separate occasions, in which he tested positive for the presence of alcohol.

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The U.S. Probation Office respectfully recommends the Court to issue a **warrant** and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/26/2023

s/Erik Carlson

Erik Carlson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

December 27, 2023

Date